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ABSTRACT

The purpose of these guidelines is to provide Florida's school districts with some procedures for developing projects and programs that will meet the letter and intent of Chapter 1 of the Education Consolidation and Improvement Act of 1981. This document addresses: (1) allowable costs; (2) personnel; (3) fiscal requirements that apply to all agencies receiving Chapter 1 funds; (4) application approval; (5) recordkeeping; (6) technical assistance; (7) allocation of Chapter 1 funds; (8) identifying eligible schools; (9) selecting schools for Chapter 1 projects; (10) identifying and selecting children to be served; (11) needs assessment; (12) parent and teacher participation; (13) evaluation procedures; (14) comparability of services; and (15) guidelines related to migrant projects only. (RDN)

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FLORIDA DEPARTMENT OF EDUCATION

STATE GUIDELINES
FOR IMPLEMENTATION OF CHAPTER 1, PUBLIC LAW 97-35

In addition to the non-binding guidelines provided in this publication, references are made by asterisks (*) to some provisions found in the following documents which are mandatory for all school districts:

1. Public Law 97-35

2. Fiscal Year 1983 Florida Department of Education Migrant State Plan

3. Project Application and Amendment Procedures for Federal and State Grant Programs Administered by the Division of Public Schools

The purpose of these guidelines, as well as the references to some provisions of the documents identified in the preceding paragraph, is to provide Florida's school districts with some procedures for developing projects and programs that will meet the letter and intent of Chapter 1 of the Education Consolidation and Improvement Act of 1981.

The guidelines portion of this document reflects the best judgment of the Florida Department of Education, with input from school district personnel, on the interpretation of statutes as outlined in Chapter 1 of the Education Consolidation and Improvement Act of 1981. It is also intended to reflect the intent of Congress and the Florida Department of Education to:

1. Eliminate burdensome, unnecessary, and unproductive paperwork;

2. Free schools of unnecessary supervision, direction, and control; and

3. Free education officials, principals, teachers, and supporting personnel from overly prescriptive regulations and administrative burdens that are not necessary for fiscal accountability and make no contribution to the instructional program.

It should be understood that the guidelines provided herein are not mandatory; however, these guidelines will be binding on the Florida Department of Education for each school district that elects to use them in the development and implementation of a Chapter 1 project.

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PART I ALLOWABLE COSTS

Section 1.1 Use of Chapter 1 Funds for Health, Nutrition or Social Services

A. An agency may use funds provided by Chapter 1 for health, nutrition or social services provided documentation exists that funds from other sources are not available for these services and that such services meet an identified need of students selected to participate in a Chapter 1 project.

Section 1.2 Use of Chapter 1 Funds for Evaluation

A. An agency may use funds provided by Chapter 1 for the evaluation of programs and projects funded under this Chapter.

Section 1.3 Use of Chapter 1 Funds for Selecting Children to Receive Chapter 1 Services

A. An agency may use funds provided by Chapter 1 for the cost of selecting children to receive educational services from among the children that the agency has already identified as educationally deprived.

Section 1.4 Use of Chapter 1 Funds for Expenses Related to Advisory Councils

A. An Agency may use Chapter 1 funds to comply with the requirement that parents and teachers of program participants shall be consulted in the design and implementation of programs and projects. Parent consultation may take the form of Parent Advisory Councils.

Section 1.5 Other Allowable Uses of Chapter 1 Funds (*)

A. See Section 555(c), Public Law 97-35

PART II PERSONNEL

Section 2.1 Noninstructional Duties

A. An agency that receives Chapter 1 assistance may assign personnel paid entirely with Chapter 1 funds to certain duties not related to classroom instruction and that do not benefit only the children participating in the Chapter 1 project, if

1. Such assignments are made at public school sites only;
2. These noninstructional duties are equitably distributed

among personnel having similar duties and responsibilities at the same school site; and

3. The proportion of total work time that Chapter 1 personnel at the same school site spend performing these noninstructional duties does not exceed the lesser of either

   (a) The proportion of total work time that non-Chapter 1 personnel having similar duties and responsibilities spend performing these noninstructional duties; or

   (b) Ten percent of the Chapter 1 person's total school day as defined by a school district; and

4. Such assignments do not interfere with the planning, implementation and/or evaluation of the instructional program as described in the project application.

B. For purposes of this section, Chapter 1 instructional personnel may be used to:

1. Assist in the administration of schoolwide or grade level testing as long as the children whom they would be teaching at a given time are participating in the schoolwide or grade level testing that is being administered at that particular time; and

2. Assist in schoolwide or grade level activities as long as the children whom they would be teaching at a given time will be participating in such activities.

PART III FISCAL REQUIREMENTS THAT APPLY TO ALL AGENCIES THAT RECEIVE CHAPTER 1 FUNDS

Section 3.1 Maintenance of Effort (*)

A. See Section 558(a) of Public Law 97-35.

Section 3.2 Federal Funds to Supplement, not Supplant Regular Non-Federal Funds (*)

A. See Section 558 (b), Public Law 97-35.

B. See Section 558(d), Public Law 97-35.

Section 3.3 Excess Costs: Instructional Services

A. An agency may use instructional organizations of its choice in implementing programs and projects under Chapter 1 as long as the agency can demonstrate that the Chapter 1 funds are spent for the identified students and are in excess of the local and state funds provided for each of such children.

PART IV APPLICATION APPROVAL

Section 4.1 DOE Approval of Applications and Amendments From School Districts and State Agencies (*)

A. See Section 556(a) and (b), Public Law 97-35; and the DOE publication, "Project Application and Amendment Procedures for Federal and State Grant Programs Administered by the Division of Public Schools."

PART V RECORDKEEPING

Section 5.1 Recordkeeping Requirements (*)

A. See Section 555(d), Public Law 97-35.

PART VI TECHNICAL ASSISTANCE

Section 7.1 Technical Assistance Provided by the Florida DOE

A. The Florida DOE, upon request, will provide technical, information and suggested guidelines designed to promote the development and implementation of effective instructional programs and to otherwise assist in carrying out the purpose of Chapter 1.

PART VIII ALLOCATION OF CHAPTER I FUNDS

Section 8.1 Allocation of Chapter 1 Funds Among Program Participants

A. Program participants meeting the same criteria for identical educational needs at the same grade level will be treated equitably in the allocation of Chapter 1 Funds.

PART IX IDENTIFYING ELIGIBLE SCHOOLS

Section 9.1 Identifying Eligible Schools for Chapter 1 Projects

A. A district may select a measure or measures for determining the economic status of families living in all of its school attendance areas so long as the measure is--or the measures are-- used consistently throughout the district.

B. A school is eligible to receive Chapter 1 services if

1. The percentage of children from low-income families is at least equal to the percentage of children from low-income families in the district as a whole;

2. The number of children from low-income families is at least equal to the average number of children from low-income families in the district as a whole;

3. The percentage of children from low-income families is at least 25 percent.

C. A district may implement its economic survey by grade span groupings consistent with the grade spans designated for the districts schools; however, such grade span groupings shall not exceed three. If a district school has grades in more than one grade span grouping, that school shall be included in the grade span grouping with which it shares the greatest number of grades.

D. If the district desires to use the percentage and numerical method in combination for the purposes of identifying schools for Title I services, the total number of eligible schools may not be more than the maximum number of schools that would have been eligible by using either the percentage or numerical method.

E. A district may identify all schools in the district, or in a grade span grouping, as eligible for a Chapter I project if the variation between the percentage of children from low-income families in the school with the highest concentration of children from low-income families and the percentage of children from low-income families in the school with the lowest concentration of children from low-income families is not more than the greater of--

1. Five percent; or

2. One-third of the percentage of children from low-income families in the district as a whole.

PART X SELECTING SCHOOLS FOR CHAPTER I PROJECTS

Section 10.1 Selecting Project Schools from Among the Schools that the District Identified as Eligible Schools

A. After ranking its eligible schools either on a districtwide or grade span grouping basis, the district shall select schools--in one or more of the groups used following the districtwide economic survey--in rank order, beginning with the school with the highest concentration of children from low-income families and continuing until the district lacks sufficient funds to serve any additional schools.

B. A district may select all schools in the district, or in a grade span grouping, as eligible for a Chapter I project if the variation between the percentage of children from low-income families in the school with the highest concentration of children from low-income families and the percentage of children from low-income families in the school with the lowest concentration of children from low-income families is not more than the greater of--

1. Five percent; or

2. One-third of the percentage of children from low-income families in the district as a whole.

Section 10.2 Selecting a Limited Number of Lower Ranked Schools Having Substantially Greater Incidences of Educational Deprivation than Higher Ranked Schools

After ranking its eligible schools by use of the percentage method, numerical method, or a combination of the percentage/numerical methods,

A. A district may select--as a Chapter I project school--a lower ranked eligible school instead of a higher ranked eligible school, if

1. The lower ranked eligible school has an incidence of educationally deprived children--identified through the use of objective measures of educational deprivation, such as standardized achievement tests or other objective tests, that the district applies in all of its schools--that is 1.2 times the percentage or number of educationally deprived children in the higher ranked eligible school; and

2. The district that uses this alternative selection procedure does not provide Chapter I services in more eligible schools than the number that would have received Chapter I services had the percentage or numerical method been used singly, or in combination, in selecting schools for Chapter I projects.

Section 10.3 Selecting a Limited Number of Project Areas Through the use of Alternative Rankings of School Attendance Areas According to Their Concentration of Children from Low-Income Families and the Incidence of Educational Deprivation

A. A district may rank all of its schools according to both

1. Their relative degree of concentration of children from low-income families beginning with the school with the highest concentration of children from low-income families; and

2. Their relative incidence of educational deprivation beginning with the school with the highest concentration of educationally deprived children.

B. A district shall select schools for Chapter I projects in rank order according to their relative degree of concentration of children from low-income families; however, the district may select a school that ranks lower than another school on the basis of its relative concentration of children from low-income families if

1. The lower-ranking school attendance area has an incidence of educationally deprived children that is 1.2 times the percentage or number of educationally deprived children in the higher ranked schools; and

2. The district that uses this alternative ranking and selection procedures does not provide Chapter I services in more schools than the number that would have received Chapter I services by using either the

percentage or numerical method, or a combination of the percentage/numerical methods, based on a district's economic survey.

C. A district may use the alternative ranking procedure in this section for selecting schools for Chapter I projects so long as the schools selected will have no less than 90% of the number of children from low-income families had other schools been selected by use of either the percentage/numerical methods, based on a district's economic survey.

Section 10.4 Skipping Higher-Ranked Schools and Schools Receiving Services of the Same Nature and Scope from Non-Federal Sources

A. A district may select a lower ranked eligible school for a Chapter I project if the higher ranked school is already receiving, from non-Federal funds, services of the same nature and scope as the services that would otherwise be provided with Chapter I funds.

Section 10.5 Continuation of Eligibility for Certain Schools

A. A district may select a school for a Chapter I project--even though that school does not qualify on either a percentage or numerical basis--if the school qualified and was selected as a project school in either of the two fiscal years preceding the fiscal year for which funds will be granted.

B. The eligibility conferred by this section is valid for not more than two fiscal years.

C. A district may not select a school for a Chapter I project on the basis of this section if such school substantially differs from what it was in either of the two preceding years.

D. If a district changes its methods of ranking eligible schools from the method it used during the preceding fiscal year, the district may not use the provisions in this section to provide Chapter I services in more schools than the number that could have received Chapter I services under the method of ranking used by a district during the current fiscal year.

PART XI IDENTIFYING AND SELECTING CHILDREN TO BE SERVED

Section 11.1 Special Criteria for Identifying and Selecting Children to be Served

A. A district shall use Chapter I funds to serve children who

1. Attend schools that a district selects as Chapter I project schools;

2. Are identified by the current annual assessment of educational needs as educationally deprived children; and

3. Are identified and selected by a district as currently having the greatest need for special assistance.

B. A district may use Chapter I funds, during the current fiscal year, to serve children not currently in greatest need for special assistance if those children

1. Were in greatest need of special assistance in any previous fiscal year under the criteria that were used by a district for that year;

2. Are currently attending a school that a district selected as a project school; and

3. Are identified by the current annual assessment of educational need as educationally deprived children.

C. A district may provide, on an incidental basis, a particular Chapter I service to children who have not been selected to participate in a district's Chapter I project if

1. The Chapter I service is designed to meet the special educational needs of children selected for project participation and is focused on those children;

2. It is impractical to exclude the children who have not been selected for participation in the district's Chapter I project from the particular Chapter I services, at the time that the service is provided;

3. The children who have not been selected are in the same grade level as the children who have been selected;

4. The inclusion of children in the group who have not been selected does not

   (a) Decrease the effectiveness or quality of the Chapter I service received by the children who have been selected;

   (b) Increase the cost of providing the service;

(c) Result in the exclusion of children who have been selected and would otherwise receive the Chapter I service; or

(d) Constitute more than 5 percent of the total number of children who are receiving that particular Chapter I service in that school.

Section 11.2 Use of Chapter I Funds for a Schoolwide Project

A. In order to upgrade the entire educational program in a school, a district may select that school for a schoolwide project during a fiscal year if

1. The school is eligible to receive Chapter I services during that fiscal year;

2. At least 75 percent of the children in average daily attendance at the school are from low-income families, as determined by using the measure of low-income that the district uses during the fiscal year to identify eligible schools;

3. A district develops for the school a plan that must

(a) Provide for a comprehensive assessment of the educational needs of all students in the school--in particular the special needs of educationally deprived children;

(b) Provide for an instructional program designed to meet the special needs of all students in the school;

(c) Be developed with the involvement of those individuals who will be involved in carrying out the plan, including parents, teachers, teacher aides and administrators;

(d) Provide for periodic consultation among the individuals involved in planning and implementing the plan concerning the educational progress of all students in the school;

(e) Provide for appropriate training to enable teachers and teacher aides to carry out the plan effectively;

(f) Include procedures that a district will use to

evaluate the effectiveness of the schoolwide project and that will involve in the evaluation the participation of the individuals involved in the planning and implementation of the schoolwide project; and

(g) Include opportunities for periodic improvements in the plan based on the results of the evaluation in which individuals involved in the planning and implementation of the schoolwide project participated.

4. A district meets the financial requirements by

(a) Providing, per educationally deprived child served in that school, an amount of Chapter I funds that is at least equal to the amount of Chapter I funds that a district provides per educationally deprived child served in other Chapter I project schools;

(b) Providing, per child served by the schoolwide project in that school who is not educationally deprived, an amount of special supplementary State and local funds that is at least equal to the amount of Chapter I funds that a district provides per educationally deprived child served in that school;

(c) Spending an amount of State and local funds per child--excluding amounts spent under a state compensatory education program--that is at least equal to the amount of State and local funds that a district spent per child in that school during the preceding fiscal year.

5. In order to meet the "supplement not supplant" requirement of Section 558(b) of Public Law 97-35, each school selected for a schoolwide project must receive all non-Federal funds that it would have received had it not been selected for a schoolwide project.

Section 11.3 Serving Children in Local Institutions for Neglected or Delinquent Children (*)

A. A district whose allocation is based in part on the number of children residing within the district in local institutions for neglected or delinquent children shall provide Chapter I services to meet the special educational needs of children

currently residing in those institutions.

Section 11.4 Participation of Children Enrolled in Private Schools (*)

A. A school district shall provide Chapter I services of the same size, scope and quality to certain children attending eligible private schools if such children would have qualified and participated in the district's current Chapter I project had they attended the public Chapter I project school to which they would have been assigned were they not attending a private school.

PART XII NEEDS ASSESSMENT (*)

Section 12.1 See Section 556(b)(2), Public Law 97-35

PART XIII PARTICIPATION (*)

Section 13.1 Parent and Teacher Participation

A. See Section 556(b)(3), Public Law 97-35.

PART XIV EVALUATION (*)

Section 14.1 Requirements and Use of Models by an Agency

A. In order to ensure the accuracy and interpretability of results obtained through the use of any evaluation design or model, (1) the evaluation findings must be representative of the persons or schools served; (2) the evaluation instruments must consistently and accurately measure the objectives of the project; (3) procedures for test administration, scoring and analysis of results must minimize errors; and (4) the evaluation procedures must yield a valid measure of children's performance after receiving Chapter I services compared to an estimate of what the performance would have been in the absence of such services. Provided that these four minimum requirements are satisfied, an agency may elect to use any of the former Title I models (i.e., Norm-referenced Model A, Comparison Group Model B, or Regression Model C) or an approved alternative evaluation design.

Section 14.2 Frequency of Evaluations by an Agency

A. Under the provisions of ECIA, Chapter I projects must be based on an annual assessment of educational needs. Consistent with a reporting schedule established by the Florida Department of Education, Projects shall be evaluated in terms of their effectiveness in achieving the goals set for them, including objective measures of educational achievement in basic skills and a determination of whether improved performance was sustained over a period of more than one year. These requirements suggest that evaluation should be an on-going activity and an integral part of local projects.

Section 14.3 Reports of Evaluation Results

A. In order to meet the information needs of the state, agencies are required to report participation and demographic information annually. (This may be accomplished by completing pages 1-4 in ESE 016.) Reports of educational achievement in basic skills are to be submitted in accordance with the current reporting schedule for Florida school districts. (This may be accomplished by completing the appropriate sections of ESE 016, pages 5-17.) In order to aggregate results, gains (or losses) must be reported in terms of normal curve equivalent (N.C.E.) units or the scale score metric of the test used to measure educational achievements.

PART XV COMPARABILITY OF SERVICES (*)

Section 15.1 Basic Standards for Determining Comparability of Services

A. See Section 558(c), Public Law 97-35.

Section 15.2 Exclusion of Special State and Local Funds

A. See Section 558(d), Public Law 97-35.

PART XVI GUIDELINES RELATED TO MIGRANT PROJECTS ONLY (*)

Section 16.1 Instructional and Supportive Services

A. Pre-school Program

1. A district that had pre-school units in fiscal year 1981-1982 may again serve the three and four year old age groups without conducting a new needs assessment. No Federal monies may be used for additional units without

data indicating that the needs of all eligible 5-17 year olds are being met.

B. Secondary Program

1. An agency implementing a secondary program will meet the requirements of Section 558(b), Public Law 97-35 (Federal Funds to Supplement, Not Supplant Regular Non-Federal Funds), in all phases of such program, including learn and earn.

Section 16.2 Parental Consultation

A. To assist the Florida DOE in the implementation of Section 556(b)(3) of Public 97-35, an agency will

1. Assist in recommending parents for membership in the Florida Compensatory Education Advisory Council and cooperate in other parent involvement activities.

Section 16.3 Use of Migrant Student Record Transfer System (MSRTS)

A. An agency will implement and utilize fully the MSRTS, including the transfer of the most current academic, health, enrollment and withdrawal information available for the migratory children served.

Section 16.4 Additional Requirements

A. See Florida Migratory Child Compensatory Program (Annual Plan for Florida for Fiscal Year 1983).